

IN THE UNITED STATES DISTRICT COURT FOR THE  
SOUTHERN DISTRICT OF TEXAS  
HOUSTON DIVISION

LAURA McKNIGHT, TRISHA  
TURNER, ANDREW BAKER,  
RACHAEL FREEDMAN, KIMBERLY  
McCRAY, and MARGO MORENO,

Plaintiffs,

V.

D. HOUSTON, INC. D/B/A  
TREASURES, A.H.D. HOUSTON,  
INC. D/B/A CENTERFOLDS,  
D N.W. HOUSTON, INC. D/B/A  
GOLD CUP, D. RANKIN, INC.  
D/B/A TROPHY CLUB, D WG FM,  
INC. D/B/A SPLENDOR, W.L.  
YORK, INC. D/B/A COVER  
GIRLS, AND, IN THEIR  
INDIVIDUAL CAPACITIES, ALI  
DAVARI and HASSAN DAVARI,

Defendants.

Civil Action No. H-09-3345

Jury Trial Demanded

ORAL DEPOSITION OF  
RACHAEL FREEDMAN  
MAY 13, 2010  
Volume 1

ORAL DEPOSITION of RACHAEL FREEDMAN, produced as a witness at the instance of the Defendants, and duly sworn, was taken in the above-styled and numbered cause on May 13, 2010, from 3:06 p.m. to 4:09 p.m., before Connie Koenig, RPR and CSR No. 6577 in and for the State of Texas, reported by stenographic method, at Shellist Lazarz, L.L.P., 3/D International Building, 1900 West Loop South, Suite 1910, Houston, Texas 77027, pursuant to the Federal Rules of Civil Procedure and the provisions stated on the record attached hereto.

## APPEARANCES:

## FOR THE PLAINTIFFS:

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## FOR THE DEFENDANTS:

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THE REPORTER: Stipulations?

MR. SHELLIST: Same stipulations as the other ones.

THE REPORTER: Signature?

MR. SHELLIST: Read and sign.

RACHAEL FREEDMAN,  
having been first duly sworn, testified as follows:

## EXAMINATION

BY MR. VAN HUFF:

Q. Good afternoon, Ms. Freedman. My name is Al Van Huff. I'm an attorney and I represent Treasures and the other clubs and individuals that are Defendants in this case.

We're here today to take your deposition. It should be about an hour-and-a-half or two-hour process. What it consists of is me going over the allegations that you made in your lawsuit, the answers to interrogatories and the declaration that you signed that's attached to the motion for notice for class members in this case. Okay?

A. Uh-huh.

Q. A few things. Was that a yes?

A. That was a yes.

Q. Okay. The Court Reporter here is going to be making a transcript of the questions that I ask and your

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answers to the questions. And it's very difficult for her to transcribe answers like uh-huh and uh-uh. So one of the things that I'll ask that you do is, when I ask you a question that's a yes-or-no question, just answer yes or no instead of going uh-huh or uh-uh. Okay?

A. Yes.

Q. All right. And another thing that I'll ask is that, if you don't understand a question, let me know. Otherwise the jury, the Judge and myself are all going to assume you understood the question that I asked.

Do you understand?

A. Correct. I understand.

Q. Why were you terminated from Treasures?

MR. SHELLIST: Object to the form.

But you can answer it.

A. I wasn't terminated from Treasures.

Q. (BY MR. VAN HUFF) Why did your employment stop with Treasures?

A. I believe it stopped because they asked me to pay on a tab that was being charged back, and I told them I could not pay the money at that time, that I would make it in payments. And then about three days later they said I needed to lose 20 pounds or something before I came back to work. And I just never went back.

Q. So it didn't have anything to do with adding

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1 zeros to tabs?  
 2 A. No.  
 3 Q. And to tip amounts on tabs?  
 4 A. Zeros to tabs? I know nothing about that.  
 5 Q. Did anyone ever ask you about that at  
 6 Treasures?  
 7 A. No.  
 8 Q. When was the last time you talked to Laura  
 9 McKnight?  
 10 A. Whenever the beginning of this lawsuit was.  
 11 Q. What did y'all talk about?  
 12 A. She asked me -- she told me she was upset, felt  
 13 like her rights had been violated and did I feel the  
 14 same way. And if I did, I could give Marty a call.  
 15 Q. How do you feel like your rights have been  
 16 violated?  
 17 A. I feel like the 5 percent that was taken off  
 18 the tabs, our credit card tabs. I don't feel like I was  
 19 compensated for my hours, every hour that I worked. I  
 20 don't feel like I was compensated for spillage, walked  
 21 tabs.  
 22 Q. What do you think was unlawful about the  
 23 5 percent that the club retained from your credit card  
 24 tips?  
 25 A. That was -- what was that supposed to cover?

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1 Q. I'll be asking the questions today.  
 2 A. That was my tip --  
 3 Q. I'm asking you, why was that unlawful?  
 4 A. Because that was my money.  
 5 Q. The 5 percent was your money? That's the only  
 6 answer you have to that question?  
 7 MR. SHELLIST: Object to the form.  
 8 But you can answer it.  
 9 A. That's the answer I have for the question.  
 10 Q. (BY MR. VAN HUFF) Okay. And how are you  
 11 saying you weren't paid for the hours you were working?  
 12 A. A lot of times I would be having a missing time  
 13 card. It would just disappear. My checks would not be  
 14 correct.  
 15 Q. And --  
 16 A. My W-2 was incorrect.  
 17 Q. During the course of your employment, how many  
 18 hours are you claiming that you were shorted?  
 19 A. I'm not sure of that calculation of the hours.  
 20 Marty is going to add that all up.  
 21 Q. You don't know how many hours sitting here  
 22 today, but your attorney knows?  
 23 A. I haven't calculated it.  
 24 Q. Is it less than ten hours?  
 25 A. No. It's more than ten.

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1 Q. More than 20?  
 2 A. More than 20.  
 3 Q. More than a thousand?  
 4 A. Could be in the ballpark of a thousand.  
 5 Q. Your testimony here today under oath is that  
 6 you weren't compensated for as many as a thousand  
 7 hours --  
 8 A. I said it could be. That was the word, could  
 9 be. I don't have an exact calculation for you.  
 10 Q. Well, isn't it true that's not even within the  
 11 realm of possibility, a thousand hours?  
 12 A. Why is that?  
 13 Q. Because of the number of hours you worked and  
 14 the number of hours it reflects you were paid on your  
 15 payroll documents.  
 16 A. But are those payroll documents accurate?  
 17 Q. My question is, isn't it true that a thousand  
 18 hours is outside of the range of possibility?  
 19 A. I'm not sure if it is or not.  
 20 Q. You don't know?  
 21 A. That's right.  
 22 Q. Okay. So you're just saying whatever comes to  
 23 mind?  
 24 MR. SHELLIST: Objection; it's  
 25 argumentative.

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1 Just answer his questions --  
 2 A. I don't know what the hours are, okay? So what  
 3 I'm saying is it's more than ten, it's more than 20, and  
 4 I don't have an exact number for you is what I'm saying.  
 5 Q. (BY MR. VAN HUFF) How much money are you  
 6 claiming Treasures owes you?  
 7 A. Whatever the law says that I'm supposed to get.  
 8 Q. The maximum the law allows, like the Jim Adler  
 9 commercial?  
 10 MR. SHELLIST: Object to the form.  
 11 THE WITNESS: You're funny.  
 12 MR. SHELLIST: Why are you being  
 13 argumentative with her?  
 14 THE WITNESS: You're real funny today.  
 15 MR. VAN HUFF: Because I think she's got  
 16 an argumentative attitude, Marty.  
 17 MR. SHELLIST: Then let's not go that  
 18 direction. I feel like it started that way. Y'all can  
 19 spend the time --  
 20 THE WITNESS: Well, you --  
 21 MR. SHELLIST: Hold on. Wait for a  
 22 question, answer it the best you can. We'll go from  
 23 there. Go ahead.  
 24 Q. (BY MR. VAN HUFF) Are you claiming that you  
 25 were ever employed by Centerfolds?

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1 A. No.  
2 Q. Are you claiming you were ever employed by Gold  
3 Cup?  
4 A. No.  
5 Q. Are you claiming you were ever employed by  
6 Trophy Club?  
7 A. No.  
8 Q. Are you claiming you were ever employed by  
9 Splendor?  
10 A. No.  
11 Q. Are you claiming you were ever employed by  
12 Cover Girls?  
13 A. No.  
14 Q. You are, however, claiming you were employed by  
15 Treasures?  
16 A. Yes.  
17 Q. What were the dates of your employment with  
18 Treasures?  
19 A. 2006 -- I think it was February of '06 to May  
20 of '08.  
21 Q. And what was your position with Treasures?  
22 A. Cocktail waitress.  
23 Q. And how many hours would you work a week? What  
24 was the range?  
25 A. I'd say between 26 to 40.

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1 Q. Have you ever given a deposition before?  
2 A. No.  
3 Q. Have you ever been a plaintiff in a lawsuit  
4 before?  
5 A. No.  
6 Q. Ever been a defendant in a lawsuit before?  
7 A. No.  
8 Q. Ever been a witness in a lawsuit before?  
9 A. No.  
10 Q. Have you ever been arrested?  
11 A. Yes. One time.  
12 Q. For what?  
13 A. Disturbing the peace.  
14 Q. Were you convicted?  
15 A. No.  
16 Q. Where was that?  
17 A. Vegas. Las Vegas, Nevada.  
18 Q. Very generally speaking, what were the  
19 circumstances?  
20 A. Just being loud in a hotel.  
21 Q. Would you ever work over 40 hours a week for  
22 Treasures?  
23 A. No.  
24 Q. How were you compensated for the time you  
25 worked?

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1 A. Paycheck and credit card tips and cash tips.  
2 The 2.13 an hour was on the paycheck.  
3 Q. Was it 2.13 an hour the entire time you worked  
4 there?  
5 A. Correct. Yes.  
6 Q. What's your current address?  
7 A. 1640 East TC Jester, No. 227, Houston, Texas  
8 77008.  
9 Q. And your TDL is 18322276?  
10 A. Uh-huh. Yes.  
11 Q. What were your duties as a cocktail waitress?  
12 A. Serve drinks, take care of credit card tabs,  
13 close out tabs, bottle service, seat people, basically  
14 wait on customers.  
15 Q. Have you worked for any other topless clubs?  
16 A. No -- oh, yeah, I did. I take that back.  
17 Q. Colorado?  
18 A. No, I didn't work at Colorado. Ritz for, like,  
19 two days.  
20 MR. SHELLIST: Rick's?  
21 THE WITNESS: Ritz, R-i-t-z. I think it's  
22 The Ritz. It's off of 45 south and somewhere going  
23 towards Galveston, on the south side.  
24 Q. (BY MR. VAN HUFF) Do you have an explanation  
25 as to why your information sheet that you filled out

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1 before you worked at Treasures indicates you worked at  
2 Colorado for a short time?  
3 A. I was hired there but I didn't ever go back.  
4 Q. What was S-P-O-A-S Sports Bar?  
5 A. In San Diego.  
6 Q. How do you say that, Spoas?  
7 A. I don't remember the name of it now. It's been  
8 so long ago.  
9 Q. Was that a topless bar?  
10 A. No. And I only worked there for a short period  
11 of time.  
12 Q. So it's your understanding your separation of  
13 employment from Treasures was that you quit, not that  
14 you were terminated?  
15 A. The way it happened was I was -- my  
16 understanding was I was told to pay a tab, let's say on  
17 like a Thursday. Then that Monday Bill told me that I  
18 need to lose 20 pounds before I can come back to work.  
19 And he said, "Just give me a call." And I told them at  
20 the time about the tab. "I can't pay it back today."  
21 They even went so far as asking me to  
22 write a letter. They called me -- after they told me to  
23 lose 20 pounds -- called me up, asked me, "Can you write  
24 a letter because the customer said that he did not make  
25 these charges?" And he was a customer I waited on a

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1 lot. So they asked me to write a letter that it  
2 wasn't -- he said it wasn't him. Somebody stole his  
3 card. They asked me to write a letter stating where he  
4 sat, who the dancers were, all this stuff. This is  
5 after I had left working there, two weeks later.

6 I took the letter up there and gave it to  
7 them. So if I was terminated, I don't think they would  
8 be calling me to write a letter.

9 Q. Okay. So after you left your employment for  
10 Treasures, they called you because a customer claimed --  
11 an individual claimed that his credit card was used  
12 fraudulently at the club?

13 A. Like he didn't come into the club. Somebody  
14 else must have had his card and made these charges  
15 there.

16 Q. But you were the waitress that served him. So  
17 they asked you to come in and give a statement that it  
18 was actually him?

19 A. Right.

20 Q. Got it.

21 A. To type up a letter and bring it up to the  
22 club.

23 Q. Who called you and asked you to do that?

24 A. Joe, the manager Joe.

25 Q. Who told you to lose 20 pounds?

Page 15

1 A. Bill.

2 Q. What were the circumstances on the tab they  
3 wanted you to pay?

4 A. The circumstances were that he had two dancers,  
5 and they charged him a considerable amount of money --  
6 don't remember the tab total -- but he was claiming that  
7 it was not him.

8 Q. Is that the same tab --

9 A. Yeah, the letter for.

10 Q. -- they had you make the statement about?

11 A. Yeah.

12 Q. Another thing that I didn't cover about when  
13 we're doing the questions and answers -- I'm not trying  
14 to be difficult about this. We have to be careful not  
15 to talk over each other because she has a hard time  
16 keeping track of who's saying what.

17 A. Okay.

18 Q. So was it the customer's credit card?

19 A. Yes.

20 Q. The customer matched the credit card?

21 A. Yes. ID and the credit card were matching,  
22 yes.

23 Q. So at the end of your shift, you signed the  
24 credit card and you received your tip off that tab and  
25 everything less the 5 percent and everything was fine?

Page 16

1 A. Correct.

2 Q. And then at some later date they told you that  
3 he was disputing the tab and that you were going to have  
4 to pay back something?

5 A. Uh-huh. He left. Okay. Then about a week  
6 later -- this is before I had left Treasures. I was  
7 still working there. About a week later they said that  
8 I needed to pay back these charges -- not I need to pay  
9 back, that he's disputing the charges, and that we were  
10 probably going to have to pay back our amount, me and  
11 the dancers. They asked me to pay it back. I said, "I  
12 cannot pay back the amount right now. I don't have it."

13 Q. How much was the amount?

14 A. I want to say it was in the ballpark of a  
15 thousand dollars that I would be responsible for paying  
16 back.

17 Q. How much was the tab itself, approximately?

18 A. Usually --

19 Q. Just for the drinks. A few hundred dollars for  
20 drinks, \$2,000 for topless dancers and \$1,000 for you?

21 A. Yes. That sounds about right.

22 Q. Did you ever have to pay back the thousand  
23 dollars?

24 A. I was going to but then two days later or three  
25 days later, somewhere in that ballpark, Bill came to me

Page 17

1 and told me I needed to lose the 20 pounds. That's when  
2 I stopped working because I was not allowed to work.

3 And then about a week and a half, two  
4 weeks later, that's when I got the phone call about "Can  
5 you write this letter explaining the incident with that  
6 customer and that credit card?" And I never went back  
7 to Treasures after that. I wrote the letter, took it up  
8 there and that was it.

9 Q. Did Bill tell you "Don't come back to work  
10 until you lose 20 pounds"? Is that what he said?

11 A. Basically, yes.

12 Q. Was there any controversy over this tab we're  
13 talking about as far as somebody adding a zero to the  
14 end of all the numbers on the tab?

15 A. No. That I was aware of, no.

16 Q. So it was your impression that the issue with  
17 the tab wasn't the numbers on the tab but it was that  
18 someone other than the cardholder opened the tab?

19 A. Correct.

20 Q. Now, do you remember the name of the  
21 individual?

22 A. I think the last name was Freeman, actually.  
23 That's why it sticks out in my head, because it's  
24 spelled exactly like my last name without the "D." And  
25 I can't remember his first name. I can probably find



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1 out for you because I still talk to one of the dancers.

2 Q. Which dancer?

3 A. I don't remember her dance name right now.

4 Q. What's her actual name?

5 A. Michelle.

6 Q. What's her last name?

7 A. I don't know her last name. \_\_\_\_\_

8 Q. Do you know her phone number?

9 A. Not on me, not at the time.

10 Q. What does she look like?

11 A. Short. I think she's a half-white, half-black  
12 girl.

13 MR. SHELLIST: Why don't you leave a blank  
14 in the depo for the contact information and we can look  
15 that up.

16 MR. VAN HUFF: Okay.

17 MR. SHELLIST: I mean, if you want to keep  
18 asking about a description, that's fine. That would  
19 be --

20 MR. VAN HUFF: I think that about covers  
21 the description. I don't know what else I can ask  
22 about, brown hair, dark eyes --

23 THE WITNESS: Dark hair.

24 Q. (BY MR. VAN HUFF) Other than what people told  
25 you, do you know anything about any of the policies,

Page 20

1 Q. Okay. And which club was that?

2 A. That was at Gold Cup.

3 Q. Okay. Other than what people told you, do you  
4 have any knowledge of the policies and procedures at  
5 Centerfolds?

6 A. None of the other clubs, I don't.

7 Q. And your only experience at Gold Cup was one  
8 time as a customer?

9 A. We went there a couple times.

10 Q. Who's "we"?

11 A. Me and a few friends.

12 Q. What were the names of the friends?

13 A. Kevin Alexander, a guy named Antoine, and I  
14 can't think of his last name right now. That's it.

15 Q. Were these individuals -- when did you go to  
16 Gold Cup?

17 A. It was at least over a year ago. I can't think  
18 of the exact date.

19 Q. Was it while you were employed at Treasures?

20 A. There was a couple times I went when I was  
21 employed at Treasures and then sometimes thereafter. So  
22 both before and after my employment.

23 Q. You said spillage was another complaint that  
24 you have?

25 A. Yes.

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1 practices and procedures at Centerfolds, Gold Cup,  
2 Trophy Cup, Splendor or Cover Girls, which are the five  
3 clubs other than Treasures involved in this case?

4 A. I know what I saw myself when I went to Gold  
5 Cup as a customer.

6 Q. Okay.

7 A. Same tab sheet setup. Same \$5 extra on the  
8 credit card. Same girls paying -- dancers paying to get  
9 into the club, just like at Treasures.

10 Q. Okay.

11 A. Same exact -- basically a mold of Treasures at  
12 Gold Cup when I went there.

13 Q. Okay. You mean as far as the way the place  
14 looked or just the fact the dancers were apparently  
15 paying \$5 out of their \$25 credit card charge to the  
16 club and that the slips looked the same?

17 A. I never said \$5 out of the \$25. I meant like a  
18 door entrance fee --

19 Q. Okay.

20 A. -- is what I was talking about. And actually  
21 the dancers -- my friend got dances from a dancer there,  
22 and he paid \$20 cash. And my other friend got dances  
23 and he paid with a credit card and paid \$25 on the  
24 credit card. So there was a difference in price whether  
25 you paid cash or credit.

Page 21

1 Q. Tell me about that, please.

2 A. If you got six drinks and they were \$10 each  
3 and you went to the table, and let's say you were on  
4 your way with a tray and somebody knocked into you, you  
5 had already paid for those drinks out of your bank,  
6 which basically is your own money. And if they knocked  
7 them all over, you would have to go get another round of  
8 drinks, and you would be responsible for paying for the  
9 ones that fell on the floor.

10 Q. And how many instances of spillage -- I'm not  
11 talking about --

12 A. Per incident?

13 Q. -- per tray, okay -- are you alleging occurred  
14 during your employment with Treasures?

15 A. I can say that it at least happened once a  
16 week. Whether or not there would be one drink when it  
17 happened or six, that varied.

18 Q. During the entire time you worked there, was it  
19 always the case that you weren't reimbursed for  
20 spillage?

21 A. Usually the -- there might have been one or two  
22 times that I think I did get a spill ticket or something  
23 like that, but then they would say that they couldn't do  
24 that. The majority of the time -- other than two or  
25 three times, I had to pay for it.

Page 22

1 Q. How much do you think you're owed for spillage?

2 A. I don't know an exact number.

3 Q. Less than a thousand dollars' worth of drinks?

4 A. Yeah. I mean, not less than 500 but not more  
5 than a thousand.

6 Q. Walked tabs, credit card charge-backs, you're  
7 claiming both, correct?

8 A. Uh-huh. Yes, I am claiming both.

9 Q. Tell me about your claim that -- with regard to  
10 walked tabs, please.

11 A. If you've got a group of people, sit them at a  
12 table -- the club's pretty big. Sometimes you might  
13 have to wait in line to get their drinks -- go back to  
14 the table with their drinks and they have since left,  
15 you have paid for the drinks out of your own pocket and  
16 they're gone. So now you've paid and there's nobody to  
17 pay you.

18 Q. Now, if these were individuals that had opened  
19 a credit card tab, then would you be able to charge the  
20 drinks to the credit card tab and get credit for it even  
21 if they disappeared without closing their tab?

22 A. Usually with the first round of drinks, you  
23 don't know if they were going to pay cash or credit. So  
24 you went and got the drinks and came back and you would  
25 say, "The total is \$50. Do you want to pay cash or

Page 23

1 credit?"

2 Then if you got a credit card -- now, if  
3 they left after you got that credit card, then, of  
4 course, you can just charge it on there. At the end of  
5 the night the manager would do it for you. But you  
6 didn't just sit them down, "Can I have a credit card,"  
7 because they might have been paying cash.

8 Q. So it wasn't the policy that the waitresses  
9 were to ask the patrons upon approaching them the first  
10 time whether they were going to pay cash or credit?

11 A. No. Not when you first sat them down and got  
12 their drink order. When you brought back the drinks,  
13 "Do you want to pay cash or credit? This is the total."

14 Q. Now, if you perceived that there were some  
15 risks involved in taking an order from someone and then  
16 having them disappear while you were filling their  
17 order, why wouldn't you ask them yourself if they were  
18 going to be opening up a credit card tab or paying cash  
19 and then obtaining payment from them upon receipt of  
20 their order?

21 A. Because I don't perceive risk from people  
22 within meeting them for 20 seconds.

23 Q. But statistically, apparently, it was a risky  
24 proposition for you because sometimes the people would  
25 disappear, right?

Page 24

1 A. Sometimes.

2 Q. Did anyone ever instruct you that you were not  
3 to ask them whether they were starting a credit card tab  
4 or a cash -- paying cash upon first greeting them at  
5 their table?

6 A. When I was trained, that's how I was told to do  
7 it.

8 Q. Okay.

9 A. The way that I said I did it, sit them down,  
10 take the drink order, go get the drinks, come back,  
11 "Total's \$50. Cash or credit?" Obtain payment at that  
12 time.

13 Q. Now, were you ever able to recycle any of the  
14 drinks for patrons who you lost contact with after they  
15 placed their order?

16 A. You mean like resell it to another person?

17 Q. Right. Like sometimes a lot of people order  
18 Miller Lite. So if you sell a guy Miller Lite and you  
19 go and he's not there anymore and you take it back and  
20 you ask the bartender to stick it in the ice, and five  
21 minutes later somebody else orders one and you take it  
22 to them?

23 A. Maybe on the beers but on the mixed drinks, no,  
24 because it would come watered down.

25 Q. So how much per month do you think you were not

Page 25

1 being properly reimbursed for walked tabs?

2 A. Are you asking for a dollar amount?

3 Q. Yes. And it can be a range.

4 A. Per month, about 100 to 150.

5 Q. Okay. Credit card charge-backs, you're  
6 claiming you were the victim or suffered damages due to  
7 credit card charge-backs?

8 A. Uh-huh.

9 Q. Yes?

10 A. Yes. I'm sorry. That's a habit of mine.

11 Q. Can you explain that, please.

12 A. I was instructed to pay back on credit card  
13 tabs that were supposedly disputed by the customer, and  
14 I was told to put it in a white envelope and to give it  
15 to David.

16 Q. David?

17 A. Davari. This happened on two occasions. And  
18 then the third time it was going to happen with that  
19 last tab that I told you the customer's last name was  
20 Freeman, but I didn't ever pay it back because I didn't  
21 ever go back.

22 Q. Now, please tell me about the first occasion.

23 A. I don't remember the exact reason why they said  
24 that the tab got disputed. I was just told by Bill that

25 I need to make a payment to David. And I put the money

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1 in an envelope. He said it had to be cash, not money  
2 order, no check, nothing, just cash in the envelope and  
3 gave it to David. I went to David's office upstairs,  
4 the VIP area, and I gave it to him one night whenever he  
5 came in, after midnight or something like that.

6 Q. Now, on both of those instances, on the evening  
7 that the person ran up a problematic tab, at the end of  
8 that shift, were you paid your tip on that tab?

9 A. Yes.

10 Q. Because that's what you were being asked to  
11 repay at some point later on down the road?

12 A. Correct.

13 Q. Were there ever any instances where you did not  
14 receive -- strike that.

15 Setting aside the 5 percent that you're  
16 claiming was unlawfully withheld from your credit card  
17 tabs, was there ever an instance where at the end of  
18 your shift you didn't receive your tips that you were  
19 entitled to for that night?

20 A. Yes. There was instances where they would hold  
21 tabs, sometimes for 90 days, to make sure that they did  
22 not get disputed. Or sometimes they would run out of  
23 money, actual cash, and they would give you a paper and  
24 you could get it a couple days later, the next day,  
25 whenever you were going to come in again.

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1 Q. Okay. So let's finish up with the two white  
2 envelope situations that we mentioned before.

3 First one, how much was the amount that  
4 you were required to repay?

5 A. If I remember correctly, it was roughly \$1,000.

6 Q. And did you, in fact, deliver \$1,000 in an  
7 envelope to Mr. Davari?

8 A. Yes, I did.

9 Q. Do you remember the name of the person who had  
10 that tab?

11 A. No, I don't.

12 Q. Do you remember approximately when that  
13 occurred? Safe to say that was in 2006?

14 A. I want to say it was in 2007, but I'm not  
15 exactly positive about that. That's to the best of my  
16 ability to remember right now.

17 Q. And the second one?

18 A. The second one I want to say was in the  
19 beginning of '08.

20 Q. And how much was that?

21 A. About 1200, somewhere between 1,000 and 1200.

22 Q. Was it unusual for you to receive tips to that  
23 high of a degree on one tab?

24 A. I would say on average per night we would make  
25 between 3 and \$500, but there's nights where that's not

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1 unusual. I mean, once a week you might get a tab that's  
2 about a thousand-dollar tip. Like if I worked four  
3 nights, probably three out of the four I'd make 400 or  
4 between 3 and 500, and then that fourth night or  
5 something I might make a thousand.

6 Q. Okay. So other than the thousand dollars that  
7 we think happened around 2007 and the 1200 that we think  
8 happened somewhere in 2008 and then the Mr. Freeman  
9 incident, were there any other issues or incidents that  
10 relate to credit card charge-back tips that needed to be  
11 paid back to the club?

12 A. No, as far as I'm concerned. But I know  
13 several others that paid back.

14 Q. Okay. I'm just worried about you.

15 A. Okay.

16 Q. For now.

17 The other instances that you mentioned,  
18 let's visit about those for a minute.

19 A. Okay.

20 Q. What were those again?

21 A. I just know of several girls --

22 Q. No, not the other people. We talked about the  
23 walked tabs, \$150 per month, then we talked about these  
24 occasions of credit card charge-backs.

25 And were there any other issues that had

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1 to do with walked tabs or credit card charge-backs that  
2 you're alleging against Treasures in this case?

3 A. That affect me, no.

4 Q. Okay. Now, I want to visit on the hours thing  
5 again.

6 A. Okay.

7 Q. Because I have taken some other depositions  
8 already in this case, and it's my understanding that  
9 sometimes there were some instances of some time cards  
10 that would disappear. There were some instances of  
11 where people perceived they weren't getting paid for all  
12 the hours that were on their time card, whether  
13 intentionally or whether it was a mistake of the  
14 bookkeeper or whatever the case might be.

15 How many hours do you claim per month that  
16 you were being shorted for your time?

17 A. I would have to, like, sit down and look at a  
18 calendar and see exactly how many months I was there.

19 Q. Was it an issue of them not paying you for half  
20 the time you worked, or was it an issue of not getting  
21 paid for a shift here and there for whatever reason?

22 A. Sometimes it would be three or four days  
23 missing off my check.

24 Q. And what time period would a check cover?

25 A. I think it was every two weeks, if I remember



Page 30

1 correctly. I think it was every two weeks. Sometimes  
2 it might be one or two shifts not on there.

3 Q. Did you ever complain to anyone about that?

4 A. Yeah, I did. I complained to Bill. I  
5 complained to Joe, John, Slim.

6 Q. Bill, Beau, John and Slim?

7 A. No. Bill, Joe, John, and there's another  
8 manager named Slim. That's what they call him. I don't  
9 know his real name.

10 Q. Was he actually slim?

11 A. Yeah, he was.

12 MR. SHELLIST: No one's ever called me  
13 "Slim" as a nickname. I just wanted to say that for the  
14 record.

15 MR. VAN HUFF: Wish I could say that.

16 MR. SHELLIST: Off the record for one  
17 second.

18 (A recess was taken.)

19 MR. VAN HUFF: Back on the record.

20 Q. (BY MR. VAN HUFF) Now, aside from your  
21 individual claims in this case as they relate to  
22 Treasures, there were also some claims in the lawsuit  
23 that have to do with something called "joint employers."  
24 All right? And there's a claim that the six clubs --  
25 Treasures, Centerfolds, Gold Cup, Trophy Club, Splendor

Page 31

1 and Cover Girls -- are joint employers.

2 Now, I've asked this question of all the  
3 Plaintiffs in this case. This isn't a special question  
4 for you.

5 What facts do you know personally that  
6 form the basis for your claim that these six clubs are  
7 joint employers?

8 A. Can you define "joint employers" for me?

9 Q. It is a theory by which clubs -- the  
10 interrelationship between the clubs is so close and  
11 intertwined that they should all be treated as one  
12 employer.

13 A. Well, let's see, they advertise together, like  
14 one whole advertisement with all their clubs.

15 Q. When you say "advertise together," where have  
16 you seen them advertise together?

17 A. Like in those stripper magazines. I can't  
18 think of the name of one of them right now. But there's  
19 some publications out there.

20 Q. Like Houston Press?

21 A. Quest or something like that. No, it wouldn't  
22 be in the Houston Press.

23 Q. What is Quest?

24 A. I think it's one of those magazines. It's all  
25 about this industry. It's kind of like a topless

Page 32

1 industry magazine.

2 Q. Are they at the bookstore?

3 A. No.

4 Q. Where are they?

5 A. Probably like in the lobby of Treasures or  
6 something, like on the side. Maybe like where you would  
7 think the Houston Press would be, but it's one of these  
8 magazines.

9 Q. If they weren't in Treasures, would they be  
10 found in the lobby of other places?

11 A. Yeah. They're out and about.

12 Q. So Treasures and these other clubs that are  
13 Defendants, you're saying they all advertise in this  
14 magazine?

15 A. They're all together. It will be one whole  
16 page of the Davari clubs, as I would call it:  
17 Treasures, Splendor, Centerfolds, Gold Cup, and so  
18 forth.

19 Q. Okay. Do you happen to have any examples of  
20 that?

21 A. No. But I can get one for you.

22 Q. Okay. And what exactly is Quest magazine? I  
23 don't really quite understand.

24 A. I think it's one of those industry -- like an  
25 industry magazine is the best way I can describe it.

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1 It's got all kinds of stripper of the week at this club.  
2 It's highlighting this girl, this one. It's  
3 advertisement, basically, for topless entertainment.

4 Q. Is this something that you buy or is it free?

5 A. I think some of them you buy like a dollar or  
6 two, and I think some of them are free.

7 And there's a couple other answers I have  
8 for that question for the joint employer.

9 Q. We weren't done yet. We were just talking  
10 about advertising for a minute.

11 So was Quest just a random example, or are  
12 you fairly certain --

13 A. Yeah. I think -- I'm pretty sure that's the  
14 name.

15 MR. SHELLIST: Just make sure he's done  
16 with his question so you don't step on each other.

17 Q. (BY MR. VAN HUFF) Are you fairly certain that  
18 Quest was definitely one where you saw this common  
19 advertisement?

20 A. I believe Quest is the name of it, but I'm not  
21 positive of it. I haven't seen one in a long time.

22 Q. What are some other ones, other magazines?

23 A. I can't think of any of the names right now.

24 Q. Sundowner?

25 A. I don't know that one.

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1 Q. I think I have heard of Sundowner before.

2 Okay. Other than the advertising, what  
3 else?

4 A. Like the one time we ran out of tab sheets at  
5 Treasures and they had borrowed some from I believe  
6 Centerfolds, and it was the exact same tab sheet.

7 Q. Only it said "Centerfolds" at the top?

8 A. Correct.

9 Q. Or A.H.D. --

10 A. Yeah.

11 Q. -- Houston, Inc., d/b/a Centerfolds instead of  
12 D. Houston, Inc., d/b/a Treasures?

13 A. Exactly.

14 Q. Is that the tab sheet that the customers sign  
15 that acknowledges that dances paid for through the club  
16 are \$25 per dance?

17 A. Yes.

18 Q. Okay. What other facts do you know of in  
19 support of your allegation that the Defendant clubs are  
20 joint employers?

21 A. When I was trying to get my W-2 one time, I  
22 went to the front and asked for it several times. They  
23 couldn't find it. They told me I needed to call the  
24 business office, which is located at Centerfolds, for  
25 all their clubs.

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1 Q. Did you actually do that?

2 A. Yeah. I think the lady's name was Glenda -- if  
3 I can remember correctly -- that's in charge of the  
4 business office at Centerfolds that functions for all of  
5 the Davari clubs.

6 Q. So what's your understanding of what Glenda  
7 does?

8 A. What I was told is the business office manager.

9 Q. And you needed to talk to her why?

10 A. Because I never received my income tax form. I  
11 think I had moved, and they didn't have my address  
12 updated or something like that.

13 Q. Okay. Anything else in support of joint  
14 employer?

15 A. Not that I can think -- I mean, other than I  
16 know girls and bartenders that work -- will cover a  
17 shift at Gold Cup and then -- but they really work at  
18 Treasures, but they'll go over there if they're  
19 shorthanded.

20 Q. Now, is your knowledge of that based strictly  
21 on what other people have told you?

22 A. Yes.

23 Q. Okay. Anything else?

24 A. No.

25 Q. Now, there's a very similar allegation made by

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1 you in your lawsuit which is that the six clubs  
2 constitute a single integrated business enterprise,  
3 which is very similar in theory to joint employer  
4 status. Okay?

5 A. Okay.

6 Q. Now, the things that you just said in support  
7 of your allegation for joint employer are also things  
8 that -- facts that I think would, in your mind, support  
9 your allegation for single business enterprise.

10 Is that fair to say?

11 A. Yes, it is.

12 Q. So other than the things we've already covered,  
13 are there any additional facts that you have that go to  
14 support the single integrated business enterprise  
15 allegation?

16 A. No. It's about the same.

17 Q. Okay. Now we're going to start at the  
18 beginning and go through everything again. I'm just  
19 kidding.

20 MR. SHELLIST: But more nicely.

21 Q. (BY MR. VAN HUFF) 5 percent that was deducted  
22 from your credit card tips, we have covered that, right?

23 A. Yes.

24 Q. We have covered the issue of unpaid hours?

25 A. Yes.

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1 Q. We have covered the issue of spillage? Yes?

2 A. Yes.

3 Q. And we have covered the issue of walked tabs,  
4 right?

5 A. Yes.

6 Q. Now, when we initially started talking, I asked  
7 you what exactly you were complaining about with regard  
8 to your employment with Treasures, and you listed those  
9 four items.

10 A. Yes.

11 Q. Are there any other things that you can think  
12 of now since we have been talking for a while that come  
13 to mind that you allege Treasures did unlawfully with  
14 regard to you and your employment there?

15 A. Does my W-2 -- there was a discrepancy with my  
16 W-2 where -- does that go under unpaid hours or wage  
17 discrepancy?

18 Q. Regardless of what the category is, if there's  
19 something you were unhappy about that you think is  
20 included in your lawsuit, now is the time for you and I  
21 to talk about it.

22 So what was the problem with your W-2?

23 A. They were putting, like, everything on there,  
24 including the stuff like -- where they took the  
25 5 percent, where I tipped out on.

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1 Q. You're saying -- so it's your allegation that,  
2 although they were subtracting 5 percent from your  
3 credit card tips, that they were including that amount  
4 in your gross income on your W-2? Is that what you are  
5 saying?

6 A. Yes. And then they only took out -- I  
7 submitted my income tax forms. I don't know if you have  
8 them or not. They only took out like \$68 or somewhere  
9 in that ballpark for the entire year when I claimed  
10 zero.

11 Q. Okay. So you claim that they weren't  
12 withholding as much money as they should from your  
13 wages?

14 A. Yes. That's what I believe.

15 Q. So, therefore, when you filed your tax return,  
16 you would have to pay the IRS instead of getting a  
17 refund?

18 A. Correct. I think I paid \$800 that year.

19 Q. However, during the year period, you got the  
20 benefit of having that money rather than having already  
21 paid it to the IRS, correct?

22 A. But I didn't really have all that money because  
23 they took 5 percent of it, and I tipped out 15 percent,  
24 and I had to tip the managers, which I haven't talked  
25 about that issue yet.

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1 Q. We're going to get there.

2 A. Maybe I don't understand what you're asking me.

3 Q. Okay. Well, one of the things you complained  
4 about with regard to your W-2 is that your employer  
5 wasn't taking out enough money to cover your taxes at  
6 the end of the year.

7 A. Yes.

8 Q. Now -- but you acknowledge that, rather than  
9 paying the IRS way ahead of time, that you got the  
10 advantage of having that money every pay period to use  
11 as you saw fit? You could set it aside and put it in  
12 the bank and get interest on it and then take the money  
13 less the interest and pay the IRS, or you could pay the  
14 IRS the money ahead of time and not get the interest on  
15 it, right?

16 A. I would rather they take it out so I don't have  
17 to be responsible for that.

18 Q. However, the fact that they weren't taking  
19 enough out really didn't cause you to suffer any damages  
20 because you would owe the same amount of money in taxes  
21 at the end of the year anyway, right?

22 A. I don't know. I'm not a tax person. That  
23 stuff really confuses me. But my tax person told me  
24 that it was something really weird going on with the way  
25 they did my stuff. If you want to call him -- I don't

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1 know. This has been a couple years ago, maybe three  
2 years ago. Honestly, I think I submitted the form. You  
3 can take a look. It's very confusing but it doesn't add  
4 up right.

5 Q. Okay. Now, were you reporting your cash tips  
6 to Treasures?

7 A. 95 percent of my stuff was credit card. If it  
8 was anything over like \$20, I reported it.

9 Q. Okay. What about the money less than \$20?

10 A. I didn't report that.

11 Q. Why?

12 A. Usually I had to buy a pair of pantyhose or  
13 something that night anyway, so it went towards work  
14 expenses.

15 Q. So at the end of the year when you filed your  
16 tax return, did you report that money as additional  
17 income that wasn't reported on your W-2 to the  
18 government?

19 A. I can't recall if I did or not. You have the  
20 tax returns, though.

21 Q. Well, if you didn't, then that would be  
22 unreported gross income, correct?

23 MR. SHELLIST: Object to the form.

24 To the extent you know the answer to that,  
25 you can answer it.

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1 A. I mean, I don't know if it would be or not.

2 Q. (BY MR. VAN HUFF) If you don't report income,  
3 then it's unreported income, correct?

4 A. I guess so.

5 Q. You seemed anxious to talk about managers.

6 A. There's something I thought about.

7 Q. I'm correct in saying -- I'm correct when I say  
8 that it was Treasures' policy that waitresses weren't  
9 required to tip managers, right?

10 A. Actually, it was the opposite. It was  
11 Treasures' policy that you are required to tip managers.

12 Q. Okay. Why don't you tell me the facts that you  
13 are personally aware of in support of that allegation.

14 A. When I was trained there and I was told by the  
15 managers that you have to tip out, it's 10 percent after  
16 you tip out everybody else. So whatever you have on  
17 you, whatever money you have at the end of the night,  
18 after you have given the 5 percent to the club, the  
19 15 percent to the bar, then whatever you have left,  
20 10 percent is what you are supposed to give to the  
21 manager.

22 (Freedman Exhibit No. 1 was marked.)

23 Q. (BY MR. VAN HUFF) I'm going to hand you a  
24 document that I am marking as Exhibit 1. Actually,  
25 first I'm going to hand it to your lawyer because he

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1 wants to look at it.

2 MR. SHELLIST: Do you have any idea when  
3 this was? Or you're going to ask her, perhaps.

4 MR. VAN HUFF: I don't know.

5 A. You want me to explain this to you?

6 Q. (BY MR. VAN HUFF) No. First I want you to  
7 admit that's your signature on that document.

8 A. Yeah, that's my signature.

9 Q. And you signed that when you were hired at  
10 Treasures?

11 A. I guess I did. I don't recall signing this.  
12 But if you have my signature there, I guess I did.

13 Q. And do you acknowledge that that document  
14 reflects the fact that it was Treasures' policy that  
15 tipping of managers was 100 percent voluntary?

16 A. That's what this paper says, but that's not  
17 what the case was whatsoever.

18 Q. Okay.

19 A. I mean --

20 MR. SHELLIST: Answer his question the  
21 best you can and that's it. You don't need to add a  
22 bunch of stuff unless you're asked.

23 Q. (BY MR. VAN HUFF) So who told you that tipping  
24 managers was not, in fact, voluntary and that you were  
25 required to do it?

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1 A. All the waitresses that worked there, the one  
2 that trained me. Aki is her name. I don't know if she  
3 still works there or not. Bill on several occasions  
4 stopped me at the front door, "Where's my tipout?" with  
5 his hand out when I was leaving at the end of the night.

6 Q. Okay. Anyone else?

7 A. The other ones would sit there, like, waiting  
8 for you to tip. They weren't as aggressive but he was  
9 the most where he would just walk up to you and ask  
10 directly.

11 Q. How many managers were usually on duty per  
12 shift?

13 A. It was usually between two and three, depending  
14 on the night.

15 Q. Are you claiming that you were paying each  
16 manager 10 percent?

17 A. No. One of them would stand at the front,  
18 collect the money, and then they were supposed to split  
19 it amongst the other managers that were on duty.

20 Q. Are there any other facts that you haven't  
21 already discussed with me regarding this issue of your  
22 paying a percentage of your tips to managers?

23 A. No. Other than everybody is aware of it there.  
24 It's common practice.

25 Q. Have you ever talked to Trisha Turner regarding

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1 this lawsuit?

2 A. Only on a conference call with Marty.

3 MR. SHELLIST: If it's with a lawyer,  
4 don't go into the content of it.

5 A. No. Not solely.

6 Q. (BY MR. VAN HUFF) Okay. Are you on Facebook?

7 A. Yes, I am.

8 Q. Are you Facebook friends with any of the other  
9 Plaintiffs?

10 A. No.

11 Q. Did you know that Laura McKnight and Margo  
12 Moreno are Facebook friends?

13 A. They probably are. Actually, some of my  
14 friends are friends with Margo but not Laura or anybody  
15 else.

16 Q. Have you ever talked about this lawsuit on  
17 Facebook?

18 A. No.

19 Q. I don't personally have a Facebook account, so  
20 it's a mystery to me as to what goes on.

21 Have you ever talked to Mr. Baker about  
22 this lawsuit, Andrew?

23 A. No.

24 Q. Other than --

25 A. No, not at all, actually, with him. With or

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1 without an attorney.

2 Q. Kimberly McCray?

3 A. No.

4 Q. Margo Moreno?

5 A. No.

6 Q. When was the last time you talked to Margo?

7 A. Before I quit working there, I think. We have  
8 mutual friends, so I think I might have seen her out one  
9 night somewhere like at a restaurant or something after  
10 I stopped working there, but that was just brief and hi,  
11 bye. I think that was before this lawsuit even started.

12 Q. Do you know any documentary evidence in support  
13 of your allegations you weren't paid for all the hours  
14 you worked?

15 A. No.

16 Q. Do you have any documentary evidence to support  
17 your allegations that you had to pay the club for  
18 spillage?

19 A. No.

20 Q. Do you have any documents in support of your  
21 allegations you had to pay the club back for walked  
22 tabs?

23 A. No.

24 Q. Or that you had to absorb the cost of walked  
25 tabs?



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1 A. No.

2 Q. In the declaration that was attached to your  
3 motion of notice to class members, it says, "I paid back  
4 contested credit card charges in cash on at least one  
5 occasion during the time I worked for Treasures."

6 A. It was twice.

7 Q. It says at least once. So this conforms with  
8 what you said earlier --

9 A. I'm not familiar with that document. That's  
10 all.

11 Q. Okay. Well, here. I'll hand you a copy of it,  
12 but I don't think we can mark it as an exhibit right  
13 now.

14 MR. SHELLIST: What is that? Is that the  
15 declaration?

16 MR. VAN HUFF: Yeah.

17 MR. SHELLIST: We have that.

18 A. Is that what you're reading from?

19 Q. (BY MR. VAN HUFF) Yeah.

20 A. I thought you were reading from one of these.  
21 Okay. I apologize for that.

22 (Ms. Serper leaves.)

23 Q. (BY MR. VAN HUFF) So you say here you paid  
24 back contested credit card charges on at least one  
25 occasion during the time you worked for Treasures.

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1 That's about three-quarters of the way down on the  
2 second page.

3 A. Yes, I see it here.

4 Q. Okay. So we covered two occasions where you  
5 paid money back and one occasion where you allege they  
6 wanted you to pay money back but your employment stopped  
7 and you didn't pay it back, correct?

8 A. Yes, that's correct.

9 Q. Were there any other instances of your being  
10 required to pay back contested credit card charges in  
11 cash?

12 A. Me personally, no.

13 MR. VAN HUFF: We're almost done, by the  
14 way.

15 MR. SHELLIST: This is like a dentist  
16 visit for you. You just want it to be over, no matter  
17 how nice the dentist is.

18 MR. VAN HUFF: Pass the witness.

19 E X A M I N A T I O N

20 BY MR. SHELLIST:

21 Q. I just have one question for you.

22 With respect to the 5 percent that's  
23 deducted from the tips, did that apply -- let me go  
24 back. I have more than one question, but I'm going to  
25 make it very quick.

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1 Did this 5 percent out of the credit card  
2 tips to the house, did that apply to the waitresses and  
3 the bartenders?

4 A. Yes. As far as I know, it did.

5 Q. And then the \$5 credit card dance, was that  
6 something that was required by the club?

7 A. The club required the customer to pay \$5 extra  
8 per dance.

9 Q. To the house?

10 A. To the house on credit card.

11 Q. And with respect to charge-backs, the things  
12 you discussed with Mr. Van Huff about charge-backs,  
13 walked tabs and spillage, were those practices applied  
14 or those -- let me go back.

15 Would you consider those to be policies  
16 that were applied by the club, or would you call them  
17 something else?

18 A. I would consider them policies.

19 Q. Now, whether you had one charge-back or 20  
20 charge-backs as a waitress, would the policy to pay back  
21 a charge-back still apply?

22 A. It would apply across the board, from what I  
23 understood --

24 MR. VAN HUFF: Objection; speculation.

25 A. -- from what I have seen and heard.

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1 Q. (BY MR. SHELLIST) Okay. And as far as the  
2 spillage goes, to your knowledge and experience, was  
3 that also something that applied to all waitresses?  
4 Meaning, they had to pay for their drinks out of their  
5 caddy, and if they spilled them, they had to go back and  
6 purchase new drinks?

7 A. Yes.

8 Q. Did you ever complain to any of -- Bill, Joe,  
9 John, Slim about the compensation policies, any of  
10 those, about whether it was fair or unfair?

11 A. I may have, like, made a comment or two; but  
12 any kind of formal complaint, not really, no. Because  
13 it was just that's the way it was from when I started  
14 there and it was always that way, so I didn't see a  
15 point in complaining.

16 Q. Okay.

17 MR. SHELLIST: I'll pass the witness.

18 MR. VAN HUFF: Reserve for trial.

19 (The deposition concluded at 4:09 p.m.)  
20  
21  
22  
23  
24  
25



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IN THE UNITED STATES DISTRICT COURT FOR THE  
SOUTHERN DISTRICT OF TEXAS

HOUSTON DIVISION

LAURA McKNIGHT, TRISHA \*  
TURNER, ANDREW BAKER, \*  
RACHAEL FREEDMAN, KIMBERLY \*  
McCRAE, and MARGO MORENO, \*

Plaintiffs, \*

V. \* Civil Action No. H-09-3345

D. HOUSTON, INC. D/B/A \*  
TREASURES, A.H.D. HOUSTON, \*  
INC. D/B/A CENTERFOLDS, \*  
D N.W. HOUSTON, INC. D/B/A \*  
GOLD CUP, D. RANKIN, INC. \*  
D/B/A TROPHY CLUB, D WG FM, \*  
INC. D/B/A SPLENDOR, W.L. \* Jury Trial Demanded  
YORK, INC. D/B/A COVER \*  
GIRLS, AND, IN THEIR \*  
INDIVIDUAL CAPACITIES, ALI \*  
DAVARI and HASSAN DAVARI, \*

Defendants. \*

REPORTING FIRM'S FURTHER CERTIFICATION

The original deposition was/was not returned to the  
deposition officer on \_\_\_\_\_;

If returned, the attached Changes and Signature page  
contains any changes and the reasons therefor;

If returned, the original deposition was delivered  
to Albert Van Huff, Custodial Attorney, for safekeeping  
on \_\_\_\_\_;

That a copy of this certificate was served on all  
parties shown herein.

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Certified to by me this \_\_\_\_\_, 2010.

\_\_\_\_\_  
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